

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON

NEW JERSEY CHINESE COMMUNITY CENTER,
INC.
Plaintiff,

CIVIL ACTION NO. 3:21-cv-8320

v.

PETER MCALEER ,
STATE OF NEW JERSEY,
IPD GROUP INC.dbaEIN PRESSWIRE
Defendants

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
CIVIL RIGHTS ACTION
(42 U.S.C. § 1983)**

Plaintiff by way of complaining against the above named defendants alleges the following:

1. The plaintiff is a not-for-profit organization having an office at 17 Schoolhouse Road, Somerset, New Jersey 08873.
2. Defendant, Peter McAleer is an employee of the State of New Jersey and is the Director of Communications and Community Relations, New Jersey Administrative Office of the Courts, located at 25 Market Street, Trenton, NJ 08625.
3. Defendant IPD Group, Inc. dba EIN Presswire providing press release services, is a company having an office at 1025 Connecticut Ave. NW, Suite 1000, Washington, DC 20036.
4. On or about February 15, 2021, the plaintiff submitted a press release to the defendant EIN Presswire for distribution and publication. The title of the press release was "IN SOMERSET SUPERIOR COURT, JUDGE REED JUST

COULDN'T STAND UP TO JUDGE MILLER'S PRESSURE IN DECIDING A CASE".

5. On or about February 20, 2021, The press release was approved by EIN Presswire for distribution.
6. On or about March 10, 2021, the plaintiff found that the press release had been retracted without its knowledge or consent.
7. According to EIN Presswire, it retracted the press release because Peter McAleer who is the Director of Communications and Community Relations, New Jersey Administrative Office of the Courts had filed a complaint and ordered that it be retracted.
8. Despite repeated emails, the defendant Peter McAleer has failed to provide any reason or cite any authority that empowered him to suppress the plaintiff's press release
9. This press release was part of a fundraising campaign to raise awareness and speak out against discrimination and bias against Asian Americans, including racial injustices faced by Asian Americans in the legal justice system.
10. The defendant's arbitrary action has undermined the plaintiff's credibility and severely damaged the plaintiff's fundraising ability.
11. Defendant unconstitutional action to cover up instances of misconduct and bias in the judicial system has violated the Plaintiff's constitutional rights to freedom of speech under the First, Fifth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983-1986; the New Jersey State Constitution, and the New Jersey Civil Rights Act.
12. This case arises under the United States Constitution and 42 U.S.C. Sections 1983 and 1988, as amended. This is a civil action under 42 U.S.C. § 1983-

1986 seeking damages and injunctive relief against Defendants for committing acts, under color of law, with the intent and for the purpose of depriving Plaintiff of rights secured under the Constitution and laws of the United States, the New Jersey State Constitution and the New Jersey Civil Rights Act.

13. This Court has jurisdiction under 28 U.S.C. §1331 and §1343 because this civil action arises out of the Constitution and laws of the United States. This Court also has jurisdiction to render declaratory judgments as requested herein pursuant to the Declaratory Judgment Act, 28 U.S.C. §2201 and §2202. With respect to claims set forth herein, based on violation of the New Jersey Constitution, this Court has supplemental jurisdiction under 28 U.S.C. §1367.

14. Venue in this district is proper pursuant to 28 U.S.C. §1391(b)(1) and (2) because Defendants are located in and exercise their authority in the State of New Jersey in which the district is located; Plaintiff is located in and conducts business in this district, and the constitutional, statutory and common law violations sought to be enjoined or prevented by this Complaint have or will occur in this district.

15. The declaratory and injunctive relief sought is authorized by 28 U.S.C. Sections 2201 and 2202, 42 U.S.C. §1983 and Rule 57 of the Federal Rules of Civil Procedure.

Wherefore, plaintiff request this court to grant the following reliefs:

1. Declare the defendants' suppression of the plaintiff's press release unconstitutional
2. Compel the defendants to restore and re-publish the press release
3. Judgment against the defendant for financial loss
4. Such other reliefs as the court shall deem just and equitable.



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April 5, 2021

JURY TRIAL

Jury trial is hereby demanded as to all issues.



Cynthia Hwang, Esq.

April 5, 2021

CERTIFICATION

I hereby certify that to the best of my knowledge, information and belief, that the foregoing is true and correct, that the within matter is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding, and no other parties known to the plaintiff at this time should be joined.



Cynthia Hwang, Esq.

April 5, 2021

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

New Jersey Chinese Community Center, Inc.

DEFENDANTS

Peter McAleer, State of New Jersey, IPD Group Inc. d/b/a EIN Presswire

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Mercer

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Cynthia M. Hwang, Esq., LLC, 17 Schoolhouse Road, Somerset, NJ 08873. (732) 271-9008

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983, US Constitution, New Jersey State Constitution, NJ Rev Stat § 10:6-2 (NJ Civil Rights Act)

Brief description of cause:

Defendant, under color of law, ordered plaintiff's press release be retracted violating plaintiff's constitutional rights

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 50,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

